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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,457	10/18/1999	TAKESHI YAMAMOTO	32032	2834

116 7590 02/27/2004  
PEARNE & GORDON LLP  
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CLEVELAND, OH 44114-3108

EXAMINER

MAUNG, ZARNI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 02/27/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Applicati n N .

09/420,457

Applicant(s)

YAMAMOTO, TAKESHI

Examin r

Zarni Maung

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-24 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11, 13-24, 26 and 28-30 is/are allowed.
- 6) ☒ Claim(s) 12 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This action is responsive to the request for reconsideration filed on February 2, 2004. Claims 1 – 9, 11 – 24, and 26 - 30 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw.

4. As to claims 12 and 27, Shaw teaches the invention as claimed, including an image information processing means for converting plural types of image information formats, into a common image information format, which can be handled commonly (col. 3, line 60 – col. 4, line 5.) However, Shaw fails to teach that the plural types of image information formats are handled by respective terminals or that the common image information format can be handled commonly in communication with the mobile network.

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5. Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shaw to include plural image formats handled by respective terminals and common image formats handled commonly in communication with the mobile because Shaw suggests such modifications (col. 3, lines 48 – 50, 52 – 54) and because such a modification would permit mobile networks and mobile terminals to convey live video in an efficient and effective architecture (Shaw, col. 1, lines 49 – 53.)

6. Claims 1-9,11,13-24,26,28-30 are allowable over the art of record for the reasons set forth in applicants' arguments filed on August 11, 2003 and February 6, 2004.

### ***Response to Arguments***

7. Applicants' arguments filed on February 6, 2004, 2002 have been fully considered but they are not persuasive.

8. With respect to applicants' remarks, applicants argued in substance that Shaw does not teach or suggest "a common image format, which can be handled commonly in communication with the mobile network".

In reply, Shaw teaches "a common image information format" (see column 3, line 60 to column 4, line 5). Shaw does not explicitly teach that the common image information format "can be handled commonly in communication with the mobile

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network". However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shaw to include plural image formats handled by respective terminals and common image formats handled commonly in communication with the mobile because Shaw suggests such modifications (col. 3, lines 48 – 50, 52 – 54) and because such a modification would permit mobile networks and mobile terminals to convey live video in an efficient and effective architecture (Shaw, col. 1, lines 49 – 53.)

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (703) 308-6687. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. John Follansbee, can be reached on (703) 305-8498. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

  
ZARNI MAUNG  
PRIMARY EXAMINER

February 26, 2004